

FILED

JAN 27 2003

CLERK, U.S. DISTRICT COURT

By \_\_\_\_\_  
Deputy

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

VS.

THOMAS RAY MARTINSEN, JR.,  
ET AL.

§  
§  
§  
§  
§

NO. 4:02-CR-203-A

**MOTION FOR CONTINUANCE**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES GARY D. SMART, attorney of record for the Defendant, WILLIAM RAY HAVNER, III in the above-entitled and numbered cause and files this his Motion for Continuance, and in support of this motion shows:

I.

Defendant's attorney of record, Gary D. Smart, is the only attorney who represents defendant.

II.

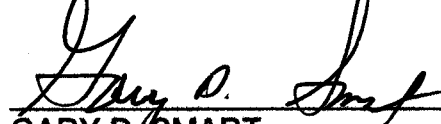
The above entitled and numbered cause is set for sentencing hearing at 9:00 a.m., April 25<sup>th</sup> 2003 in the United States District Court, Northern District of Texas, Fort Worth Division, Tarrant County, Texas. Defendant's attorney will be at a seminar previously paid for in New Orleans, Louisiana and unable to attend the April 25<sup>th</sup> sentencing hearing.

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III.

This motion is not made for the purpose of delay but in order that justice may be done. WHEREFORE, the defendant prays the court grant this motion and continue this cause on the docket of this court until a later date.

Respectfully submitted,




GARY D. SMART  
State Bar No. 18521500  
3020 Matlock Road, Suite 210  
Arlington, TX 76015  
(817) 419-0023  
(817) 417-6363 (Fax)  
ATTORNEY FOR DEFENDANT

AFFIDAVIT

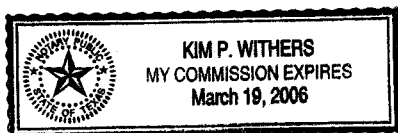
BEFORE ME, the undersigned authority, on this day personally appeared Gary D. Smart, who after being duly sworn stated:

"I am defense counsel in the above-entitled and numbered cause. I have read the foregoing Motion for Continuance and swear that all of the allegations of fact contained therein are true and correct."

  
GARY D. SMART

STATE OF TEXAS                     )  
   )  
COUNTY OF TARRANT            )

SUBSCRIBED AND SWORN TO BEFORE ME on the 23<sup>rd</sup> day of January, 2003, to  
certify which witness my hand and official seal.



Kim P. Withers  
NOTARY PUBLIC in and for the  
State of Texas  
My commission expires: 3/19/06

**CERTIFICATE OF CONFERENCE**

I hereby certify that on the 22<sup>nd</sup> day of January, 2003, I attempted to confer with Aisha Saleem, the Assistant United States Attorney assigned to this case, she was not available, I left a voice mail message. The 23<sup>rd</sup> of January, 2003, Ms. Saleem returned my call stating that she had no objection to resetting the sentencing hearing of William Ray Havner, III.

Gary D. Smart  
GARY D. SMART

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing Motion for Continuance was  
faxed to the District Attorney's office of Tarrant County, Texas on \_\_\_\_\_, 2003.

Gary D. Smart  
GARY D. SMART  
Attorney for Defendant

**ORDER**

On this \_\_\_\_\_ day of \_\_\_\_\_, 2003, came on to be heard defendant's  
Motion for Continuance and it appears to the court that this motion should be ( ) granted /  
( ) denied.

\_\_\_\_\_  
JUDGE PRESIDING